

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|------------------------------|---|--------------------------------|
| JEANNE DEGAN, |) | CIVIL ACTION NO. 04CV11024 RWZ |
| |) | |
| Plaintiff, |) | Jonathan R. Sigel |
| |) | BBO# 559850 |
| v. |) | |
| |) | |
| GOLDWELL OF NEW ENGLAND, |) | |
| INC. and R.G. SHAKOUR, INC., |) | |
| |) | |
| Defendants. |) | |

SECOND AFFIDAVIT OF MARY GARNEAU

I, Mary Garneau, on oath depose and state as follows:


1. I am employed as General Manager at Goldwell of New England, Inc. ("Goldwell"). I have been employed in that capacity since March 2003. From March 1990 to March 2003, I was employed as Controller at Goldwell. In my capacity as Controller, I was familiar with the job responsibilities of Ms. Jeanne Degen.

2. As part of her job responsibilities as ARTEC Brand Manager, Ms. Degen was responsible for engaging in "detailing" with the account executives who promoted ARTEC products for Goldwell and R.G. Shakour. "Detailing" required Ms. Degen to drive her own vehicle to an account executive's territory and then, from there, ride as a passenger in the account executive's vehicle to visit salons in the territory.

3. Ms. Degen was solely responsible for her own "detailing" schedule. When an account executive requested a ride-along by Ms. Degen, Ms. Degen was free to schedule the ride-along on a day of her own choosing. I am aware of only rare occasions on which Goldwell and/or R.G. Shakour made special requests for Ms. Degen to make a particular "detailing" trip on a particular day.

4. When Ms. Degen was requested, in October 2001, to work "in the field" on two Fridays per month, Ms. Degen had the opportunity to choose which territories she would visit on those Fridays. Ms. Degen was free to arrange her "detailing" calendar as she chose and to schedule shorter and longer "detailing" trips in any arrangement or distribution that she chose.

Signed under the pains and penalties of perjury this 15th day of August 2005.



Mary Garneau
General Manager
Goldwell of New England, Inc.